

TAB I

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four touchdown passes against Denver lead Patriots to first w

# The Boston Globe

MONDAY, OCTOBER 2, 2000

## Nader rally draws 12,000 to FleetCenter

By Yvonne Abraham  
GLOBE STAFF

He may not be part of the biggest show to hit Boston this week, but perpetual outsider Ralph Nader had plenty of company yesterday.

The Green Party presidential nominee, who will not be allowed onstage with Vice President Al Gore and Texas Governor George W. Bush at tomorrow night's presidential debate, got a rock star's reception from a crowd of 12,000 at the FleetCenter. That's bigger than either major party candidate usually attracts.

The huge arena, the thousands of devotees, the ticker tape raining down from the ceiling, the giant flashing screens leading the audience in loud chants of "Let Ralph debate!" — all of this was decidedly un-Nader-like. More often, the longtime consumer advocate plays to crowds in the tens, with simpler — in fact, no — production values, and, much to his chagrin,



Green Party presidential nominee Ralph Nader and his running mate, Winona LaDuke, acknowledging their supporters at the FleetCenter yesterday.

far from the television cameras.

But yesterday, Nader's condemnations of corporate greed, the current electoral system, the two major parties, Washington's handling of the environment, and inequality all raised deafening cheers from this audience. And his exclusion from the debates drew the most passionate responses from the crowd, most of whom had paid \$10 to attend.

Spotlights projecting the words "Let Ralph Debate" swept the stage, as the audience cheered for his inclusion.

"The keys to the gate are being held by the two parties we're trying to challenge," Nader said, referring to the Commission on Presidential Debates, composed of Democratic and Republican officials.

NADER, Page A6

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# 12,000 turn out at FleetCenter to support Nader

**► NADER** *Continued from A1*  
The commission allows candidates to participate in the debates only if they can garner 16 percent of voters in a national poll. Nader, who has attracted quite high numbers of voters in some states (17 percent in Alaska, and 6 percent in Massachusetts, for example), is currently at about 3 percent nationally, according to a Zogby International tracking poll.

Yesterday's appearance was only the latest in a string of Nader rallies that have drawn huge crowds: 10,000 in Portland, Ore., 12,000 in Minneapolis, and 10,000 in Seattle (though that rally had the added appeal of Pearl Jam lead singer Eddie Vedder).

Those are huge turnouts for a candidate who continually laments the lack of media attention paid to his campaign, and more remarkable because Nader's thrust of voters in recent national polls has been disappointing.

Nader and his camp say that events like yesterday's prove the polls are wrong, and that the major parties are in for a shock come election day, when millions of voters are due to the polls.

The typical polling numbers don't reflect the support third party support because they only target likely voters," said Nader press secretary Laura Jones. "They don't reflect the young voters who are pouring into these events and voters who are at the last elections because they're disenchanted with the corporate parties."

Others say Nader's big crowds won't make much of a dent in support for Democrats and Republicans, but that in a close or two-point race, his 3 percent could count large and hurt them anyway.

Either way, Nader has struck a chord with tens of thousands of activists in their state and across the country.

At yesterday's rally, as at most of the recent ones, the audience heard speeches by Nader and other supporters. Nader said that voters would never allow the major parties to exclude third party candidates again.

"For this bit of arrogance, for this usurpation of the people's power, millions of people will vote for Nader this campaign season," he said, to loud applause.

Historian of the working class Howard Zinn said "an election that excludes an important candidate is not a democratic election."

"Ralph Nader has a fatal flaw," Zinn said. "He tells the truth." Nader has long maintained that if he could get into the debates, he could pose a serious threat to the major party candidates.

"I've campaigned in all 50 states and the District of Columbia," Nader said yesterday on a swing through the district. "But you can do that for a hundred years and not reach as many voters as you can in national debates."

Though they are drawing the most local coverage, rallies like yesterday's are far from typical of the Nader campaign.

More characteristic was his recent day around in an unmarked dark gray minivan to campaign for D.C. students, visited a poor neighborhood, and continually lamented the lack of attention paid him despite his past and his potential.

"Here he is, folks," a supporter with a bullhorn yelled at passing pedestrians in Anacostia, where Nader had gone to prop-



Ralph Nader gave a rousing reception at the FleetCenter last night.

test the absence of grocery stores in the mostly black neighborhood. "Ralph Nader! Right here! Right now!"

But the only people who turned up for a visit to a farmer's market at the Liberty AME church were the four vendors, who were already there; four reporters, several Green Party officials and Nader's own film crew. Nader was especially angry at the Washington Post for staying away from his first full day of campaigning in that backyard.

"By what criteria of newsworthiness can they refuse to cover me on the first full day of my spending campaigning in the district?" Nader asked. "See, and that's the virus you have to deal with."

Attitude Monday who worked the far-out stall, said she liked Nader but couldn't vote for him.

In the early morning, Nader seemed to be more of a threat to Gore. He garbled

high enough polling numbers in California to worry Democrats; and the Times even said United Auto Workers said they were considering endorsing him. Back then, Nader's constant refrain was that there was no difference between the presidential candidates, and that a vote for Gore was the same as a vote for Bush.

The vice president lashed to the left, somewhat, his speech at the Democratic Convention full of populist appeals. In the end, the unions ended their feud with Nader and endorsed Gore.

"They said I couldn't win, and they were going for the winner," Nader explained.

So have other voters, according to the polls.

"Voters' preferences during the spring and summer were 'con-free at that point,'" said Charles O. Jones, emeritus professor of political science at the University of Wisconsin. "I don't doubt that it expressed their dissatisfaction with Nader, but as we go closer to the election, it isn't just Gore versus Bush, and so they're going to go for Gore."

The latest Zogby International poll shows Nader at 3 percent nationally, though Zogby believes Nader is likely to end up with 5 percent on election day enough to qualify the Green Party for federal funds in 2004.

While some voters at yesterday's rally said they would vote for Nader no matter what, others said they would do so only if Gore seemed safe on election day.

"I like Ralph Nader a lot, I like what he stands for," said Carla Herwitz, of Fall River. "I don't want to see the world run by corporations. I think if it seems clear that Al Gore will take Massachusetts, I'll vote for Ralph Nader."

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TAB J

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## Transcript for October 1

**Read the complete transcript from the Sunday, October 1 show****PLEASE CREDIT ANY QUOTES OR EXCERPTS FROM THIS NBC TELEVISION PROGRAM TO "NBC NEWS' MEET THE PRESS."**

NBC News

**MEET THE PRESS**

Sunday, October 1, 2000

**GUESTS:****GUESTS: RALPH NADER: Presidential Candidate (Green Party)****PAT BUCHANAN: Presidential Candidate (Reform Party)****GOVERNOR PAUL CELLUCCI, (R-Mass.): Bush Supporter****PAUL BEGALA: Gore Campaign Adviser REPRESENTATIVE****RICK LAZIO, (R-N.Y.): Senate Candidate****MODERATOR/PANELIST: Tim Russert — NBC News**

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**MEET THE PRESS - NBC NEWS****(202)885-4598****Sundays: (202)885-4200****MR. TIM RUSSERT: Our issues this Sunday:****(Videotape):**

**VICE PRESIDENT AL GORE:** We don't have to degrade our environment in order to secure our energy future.

**(End videotape)****(Videotape):**

**GOVERNOR GEORGE W. BUSH (Republican Presidential Candidate):** It's a petroleum reserve, not a political reserve.

**(End videotape)**

**MR. RUSSERT:** Bush vs. Gore: Too close to call with 36 days to go. On Tuesday, they square off in Boston in their first and critically important presidential debate. What can we expect? With us: the host governor of Massachusetts, Bush supporter Paul Cellucci, and the author of this new book, "Is Our Children Learning? The Case Against George W. Bush," Gore supporter Paul Begala.

**Then:** We are joined by two men excluded from this debate, Ralph

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asset, ought to have a national policy to break up the OPEC cartel. It is a price-rigging, criminal conspiracy designed to loot the West and the United States of scores of billions of dollars every single year. How do you...

MR. NADER: They got to break up the big oil companies, first of all.

MR. BUCHANAN: Here's how you do it. But here's how you do it. Cut off all IMF foreign aid loans to any country that belongs to OPEC. Tell any country that does belong to OPEC, "U.S. security guarantees are going to be lifted unless you drill more oil." We have got to play hardball. These people in Washington—Clinton talks about the idea of free trade and interdependence. These people don't believe in that. They believe in driving you to the wall. If they get control of a commodity that you don't have—and the United States needs an America first policy of economic nationalism to deal with it.

MR. RUSSERT: Mr. Nader, we have a minute left. You will not be there Tuesday night in Boston. If you...

MR. NADER: Yes, I will.

MR. RUSSERT: On the stage. On the stage. On the stage.

MR. NADER: Maybe I'll crawl up on the stage there.

MR. BUCHANAN: Are you going to invade their space, Ralph?

MR. NADER: They're blocking the access to tens of millions of voters because they have a monopoly, and the networks let them have the monopoly because they didn't co-sponsor their own debates.

MR. RUSSERT: You are here this morning. If you were there Tuesday night, what question would you ask Mr. Gore? What question would you ask Mr. Bush?

MR. NADER: The key question: How do you promote democracy by taking excessive power from big business and giving it to people as voters, consumers, taxpayers and workers? That means unions, that means challenging corporate welfare, that means consumer protection for the family budget, and that means public funding of public campaigns. Shift of power is the key issue in this campaign—to the people.

MR. RUSSERT: Question for Gore or Bush?

MR. BUCHANAN: I would ask Mr. Gore this: Look, how do you propose to pay down the debt with the \$2 trillion when you've already proposed stuff—spending that would eat it all up? I think I would ask Mr. Bush this: What do you think? Do you think *Roe v. Wade* was wrongly decided and would you appoint Supreme Court justices who in your heart and mind would see to the overturning of *Roe v. Wade*?

MR. RUSSERT: To be continued. Pat Buchanan, Ralph Nader, we thank you for sharing your views with us this morning.

MR. BUCHANAN: Thank you, Tim.

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## Larry King Live

### Buchanan and Nader Discuss Their Political Agendas

Aired October 2, 2000 - 9:00 p.m. ET

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LARRY KING, HOST: Tonight, 24 hours before Al Gore and George W. Bush square off in the first presidential debate, we'll hear from two candidates who weren't invited: Reform Party nominee Pat Buchanan, and later, Green Party candidate Ralph Nader. They will make the case for third parties, just ahead on LARRY KING LIVE.

We begin with Pat Buchanan, our old friend. He's in Auburn, Maine. He's the candidate of the Reform Party. He had sought the candidacy of the Republican Party, and left that scene to get into the Reform scene. He won 3 million votes in the 1996 primary. He is excluded by the commission because he didn't make 15 percent in national polls.

Is that a bad idea, Pat, 15 percent?

PAT BUCHANAN, REFORM PARTY PRESIDENTIAL NOMINEE: Sure, they put the 15 percent, Larry, after I moved over to the Reform Party. The problem is you've got a bipartisan, Republican, Democrat, entirely commissioned which is freezing out a third party, which is being paid for by taxpayers. So you've got a situation that the American people are not permitted to hear a candidate whose campaign they are paying for, because a couple of political hacks are fronting for the establishment parties in Washington and freezing them out.

KING: What should be the criteria?

BUCHANAN: The criteria is we are an established party. I received federal matching funds. I'm on the ballot in all 50 states, although the Republicans refuse to put my name on the ballot itself. In Michigan, I have qualified. And frankly, if you take personal qualifications -- look, I was going to summit meetings in Moscow and Beijing with Richard Nixon when these fellows were in college.

I think my experience and background and knowledge are far deeper and broader, certainly, than Governor Bush, who has been in national politics for a couple of years and in Texas politics for four or five. So we have a party that is a valid, recognized party by the Congress, the FEC, we get federal tax dollars. We ought to be included in the events that decide the next president

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candidate -- he ran previously in 1996 -- Ralph Nader.

First, these words.

(BEGIN VIDEO CLIP)

RALPH NADER, GREEN PARTY PRESIDENTIAL CANDIDATE: Isn't it interesting that the largest voter audiences by far, which will witness these debates starting October 3 here in Boston, that the key to the gate to those tens of millions of Americans are held by the very two parties that small parties are trying to challenge?

Imagine, in the marketplace, you get a new competitor, wants to reach its customers, and has to go through a gate whose keys are held by the two major competitors. Never again should we allow this to happen in future campaigns! Never again!

(APPLAUSE)

(END VIDEO CLIP)

(COMMERCIAL BREAK) KING: We now welcome to LARRY KING LIVE another old friend, Ralph Nader, the Green Party presidential candidate. He also ran on that ticket in 1996.

As I understand it, are you going to be in Boston tomorrow night? Are you going to be protesting the debates?

NADER: We're going to try to get as close as possible. We're looking for people to give us tickets so I can be right in the audience.

KING: Oh, you want to be in the audience.

NADER: Yes, I can't be on the stage. We're excluded. It's a two-party monopoly.

KING: Did you agree with what Pat had to say with regard to what this country is with relation to big corporations, this commission and debates?

NADER: Very much so. This commission is really a private company created 11 years ago to replace the League of Women Voters in deciding who gets on the national debates. And tens of millions of people watch it, and these two parties, more look-alike parties morphing into a corporate party with two heads, don't want competition. That would be disastrous in the marketplace. It would be disastrous in nature if seeds weren't given a chance to sprout. That's why the corrupt political system can't be regenerated.

KING: How is it ever going to change, however, if you need the 15 percent barrier? Don't we need a sort of knight on a white horse and a bad condition in the country to create a third party?

NADER: I hope we don't have to come to that. At the present time, the debate commission has that monopoly by Al Gore and George W. Bush because other institutions have given it that monopoly by default, Larry.

If the major television networks got together months ago and co-sponsored a four-way debate, Gore and Bush could not say no to them. If the major



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TAB K



## DEBATE PROTEST LEADS TO ARRESTS; NADER SUPPORTERS BLOCK ENTRANCE TO COMMISSION'S BUILDING

*MANNY FERNANDEZ; DAVID MONTGOMERY*  
WASHINGTON POST STAFF WRITERS  
Friday, September 29, 2000 ; Page A04

Eight protesters were arrested yesterday morning after they blocked the entrance of an office building in Northwest Washington largely to complain that planned presidential debates exclude Green Party candidate Ralph Nader.

The focus of the protest was not one of demonstrators' usual targets, such as the World Bank, but instead an obscure red-brick office building at 1200 New Hampshire Ave. NW where the Commission on Presidential Debates has its headquarters.

Protesters linked arms and forced office workers to slip past them to get inside to their jobs.

The 8:30 a.m. demonstration was part of an all-day protest at the building, which has been the site of anti-commission protests all month. Yesterday was the first time protesters blocked the doorway. Those arrested were charged with misdemeanor unlawful entry for attempting a side-door entrance of the building before the blockade and were released.

The protesters have complained about the exclusion of Nader and say too much corporate money is used to pay for the debates.

The commission, a nonpartisan group sponsoring the three debates between Texas Gov. George W. Bush (R) and Vice President Gore (D), decided in January to invite only those candidates with 15 percent support in public opinion polls.

"Open the debates!" shouted Adam Eidinger, 27, a District resident who was one of the protest organizers along with fellow members of the Open Debate Society.

The protesters included students from George Washington University and the University of the District of Columbia. A few were involved this spring in District protests against the World Bank.

Eidinger and other protesters say Nader would raise a number of issues in the debates involving global capitalism and social justice.

A spokesman for the commission, John Scardino, refused to comment on the protesters. But he defended the commission's role in organizing the debates, which kick off Tuesday at the University of Massachusetts at Boston. The 15 percent bar is necessary, Scardino said, so voters can watch those candidates who have a realistic chance of winning meet face-to-face on the stage.

"It's not our role to help boost anyone's campaign," he said.

The Dupont Circle office building was the only address protesters could find for the commission. "That's part of the absurdity of it," said Zachary Wolfe, a law clerk acting as the protesters' legal aide. "It's such an important issue, and it's difficult to figure out who you should complain to."

Scardino disputed that, saying that the address is displayed on the commission's Web site. Janet Brown, the commission's executive director, said that in 1996 the organization was advised by law enforcement

the commission's executive director. said that in 1996 the organization was advised by law enforcement to beef up security and to use extra discretion because of threatening mail and phone calls it had received.

Commission officials said none of its financial sponsors wields influence on its decision making.

*Articles appear as they were originally printed in The Washington Post and may not include subsequent corrections.*

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TAB L

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George W. Bush

DEMOCRAT

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REFORM

Pat Buchanan

GREEN PARTY

Ralph Nader



(Boston.com Photo / Eddie Medina)

A group of protesters holds up a mock stage and large puppets near the UMass-Boston entrance before the debate.

[Photo gallery](#)

The Status Quo  
Needs The Crap  
Kicked Out Of It.



### Real Media: from the crowd

Hear chants from the protesters:

REALAUDIO:

[Bush and Gore ...](#)

[Let Ralph Debate](#)

[Lick Bush](#)

REALVIDEO

A pan across the crowd lining the entry road to the debate hall.

[Watch it](#)

## Thousands stage rowdy protest outside UMass-Boston entrance

By Boston.com Staff, 10/03/00

BOSTON - Well over 10,000 protesters waved placards along the road leading to the University of Massachusetts' Boston campus this evening as journalists from all over the world gathered to cover the first presidential debate between Democrat Al Gore and Republican George W. Bush.

### INTERACTIVE

- [Chat about the debate](#)
- [How'd they do? Take our poll](#)

### REAL MEDIA

#### AUDIO

[Bush and Gore, corporate whores](#)

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#### BOSTON.COM VIDEO

A pan across the crowd lining the entry road to the debate hall.

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#### NECN VIDEO

[The day after](#)

[Debate poll results](#)

Even as the debate ended, dozens of protesters knocked over police barricades and sat down -- arms linked -- in a road leading to the debate hall at the University of Massachusetts. They chanted "Open the debate."

Boston Globe photographer Dominic Chavez was in a crowd of protesters when he was picked up and thrown to the ground by a man who then slammed the photographer's camera into

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- Debate poll results
- Online polling results
- Nader not allowed into debate
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#### POST-DEBATE COVERAGE

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- ▶ Mooney: And now, a word from a couple of other candidates
- ▶ Debate notebook: Campaigners' beds come at premium
- ▶ Nader, bearing ticket, turned away at door
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- ▶ Dukakis faults Bush, but GOP aide backs strategy
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- ▶ Bush finds warmth at S. Boston rink
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- ▶ Pundits' effect weighed
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- ▶ Students gain lesson in American politics
- ▶ 49 students win their way in
- ▶ Street theater highlighted day of protest
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#### RATING THE DEBATE

- ▶ Globe editorial: The first round
- ▶ By David Nyhan
- ▶ By Ellen Goodman
- ▶ By Thomas Oliphant
- ▶ By Jennifer C. Braceras
- ▶ By Derrick Z. Jackson
- ▶ By Martin F. Nolan
- ▶ By Joan Vennoch
- ▶ By Cathy Young

his back, according to Catie Aldrich, director of photography for the Globe. He was taken to a hospital to be checked out, but did not appear to be seriously injured, Aldrich said.

Officers dragged away a number of protesters while other officers on horseback tried to disperse the crowd.

The incident followed a brief tug-of-war over the metal barriers between police and protesters, who shouted to officers, "We are nonviolent, how about you?"

Police on horseback and Secret Service agents in dark suits and shiny Regis Philbin ties ordered protesters on Morrissey Boulevard to back up behind metal barriers alongside the entrance road to the debate hall.

The protesters welcomed long lines of buses, vans, cars and stretch limousines with chants like "Let Ralph debate!" and "Bush and Gore, corporate whores!"

There were at least a half dozen arrested and another person was taken into custody for drunkenness, police said. Morrissey Boulevard remained shut down as the crowd dispersed.

Around the time the debate started, a small group of protesters knocked over metal barricades in an attempt to get closer to the building where the debate was held. Some protesters said police in riot gear used pepper spray on them.

Demonstrators later tried to move the barricades forward, and police pushed them back. In response to the tug-of-war, protesters shouted, "We are nonviolent, how about you?"

Labor unions supporting Gore and others loyal to Bush demonstrated alongside supporters of Ralph Nader and a myriad other groups vying for the national spotlight focused squarely on the university.

About an hour before the start of the debate, Gore supporters and Nader loyalists were arguing in the crowd of

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demonstrators gathered a few hundred yards from the debate hall.

Witnesses said a man wearing a Gore T-shirt turned from the argument, grabbed a 3-foot wooden cross from a man holding it, and broke it over the man's head. Demonstrators who saw the incident screamed for police.

"He grabbed it right out of my hand and cracked it right over my head. I was in shock," said Scott Langley, 23, of Cambridge, who said he was holding the cross in memory of prisoners executed under Texas Gov. George W. Bush. "And I took his picture, which made him madder."

The assailant fled into the crowd.

"There's a lot of hostility between the Gore people and the Nader people," said Lila Brown, 19, a Nader supporter holding a sign saying "Vote Hemp."

"Holding a sign promoting Ralph Nader's candidacy," Jonathan Allen of Brookline said he still hoped the Green Party candidate would win the race. "I'd really like him to get 34 percent of the vote, but that's not to realistic," Allen said.

The demonstrators mostly remained behind the fence that bordered the route through which Gore and Bush arrived, until the demonstrators' ranks swelled and they began spilling onto Morrissey Boulevard itself.

A contingent of state troopers and Secret Service agents stopped the crowd from blocking the entry road, as helicopters circled overhead, shining their spotlights down on the masses waving large puppets and dressed in colorful costumes.

About 900 members of Iron Workers Local 7 gathered along the route to UMass to express their support for Al Gore. "He's for the working man," said Rosie Piniery, a member of the union. "He'll keep prosperity here. He won't pass a phony tax break for the wealthy."

Boston firefighters appeared in force, most wearing Gore T-shirts, protesting their lack of a contract with the city. Among the throngs of people, Suzie Chong meditated on the grass, amid her cohorts who were protesting the Chinese government's persecution of members of Falun Gong.

Inside the debate media center, hundreds of journalists from 300 media organizations gathered in front of their phones and television sets to cover the debate.

The Commission on Presidential Debates, which is organizing the debate, has two others planned later this month in Winston-Salem, N.C., and St. Louis.

Earlier today, hundreds of the protesters gathered on the Boston Common. David Solnit wielded a 15-foot-high puppet that had cardboard heads of Gore and Bush. He said the debate was a "corporate puppet show."

"I'm trying to put a little truth into the campaign," said Solnit, 36. "I'm trying to tell voters they can be assured of polluted

air and water, lousy jobs and gentrified neighborhoods no matter who they vote for."

Protesters who gathered on the Common set out on a "Freedom for Sale Trail" march to the city's financial district, visiting the headquarters of Fleet Bank, Fidelity Investments and Verizon Communications.

Police blocked protesters trying to enter the offices of Fidelity and Verizon, but there were no incidents.

Bush and Gore planned to address supporters immediately after the debate. Bush was scheduled to visit supporters gathered at an ice skating rink in South Boston. Gore was expected to stop in at a debate party at the Park Plaza hotel in downtown Boston.

- *Boston.com* staff reporter Eddie Medina and the Associated Press contributed to this story.

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## NADER SUPPORTERS TRY TO BLOCK EXITS

**DANA MILBANK**  
 WASHINGTON POST STAFF WRITER  
 Wednesday, October 4, 2000 ; Page A16

BOSTON, Oct. 3 -- Green Party presidential candidate Ralph Nader's supporters, angry that their man wasn't allowed to participate in the presidential debate, attempted to prevent everyone else from getting out of the debate.

Waving "Ralph Nader for President" signs and chanting "Let Ralph debate" to a drumbeat, several hundred demonstrators amassed along the road leaving the University of Massachusetts campus here after the debate. Some hurled metal barricades at cars leaving the debate, and about 100 demonstrators held a sit-in to block the route. The demonstrators failed to block the exits of George W. Bush and Al Gore, who left before the disruption.

Though debate spectators were temporarily blocked from leaving the campus, police eventually redirected them to another exit as the standoff lasted past midnight. But the protesters achieved one victory: Some of the more than 600 journalists covering the debate stopped to film and watch the standoff between the demonstrators and police.

A police spokesman, Robert Bird, said there were 16 arrests by midnight. Police used tear gas on a few of the protesters, but they were generally restrained in handling the demonstrators. "They'd be hard pressed to say their rights were not respected," Bird said.

The police, in riot gear with shields raised, eventually charged the demonstrators who had blocked the road. The police also used dogs and horses to control the crowd.

Several thousand spectators came to the University of Massachusetts campus before the debate, including Bush and Gore supporters as well as death penalty opponents, protesters meditating on behalf of China's persecuted Falun Gong religious sect, and marchers chanting "Justice for Palestine." But a group of several hundred Nader supporters remained after the debate.

As debate spectators left, the demonstrators shouted "corporate whores" at them. Some of the demonstrators wore black masks and hoods and waved anarchist banners. One climbed a lamppost to turn an American flag upside down, and another hurled an object at police. At about 11 p.m., demonstrators began to throw metal barricades at cars that were leaving the premises; then about 100 protesters sat in the street to block their exit.

Tight security kept the demonstrators hundreds of yards from the actual site of the debate. The campus itself was closed to the public.

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TAB M

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

RALPH NADER,

Plaintiff,

v.

COMMISSION ON PRESIDENTIAL  
DEBATES, *et al.*,

Defendants.

CIVIL ACTION NO. 00-12145-WGY

**RESPONSES AND OBJECTIONS TO  
PLAINTIFF'S FIRST SET OF INTERROGATORIES  
TO DEFENDANT COMMISSION ON PRESIDENTIAL DEBATES**

Defendant Commission on Presidential Debates (the "Commission") responds and objects to Plaintiff's First Set of Interrogatories to Defendant Commission on Presidential Debates, as follows. The responses set forth below are based on information currently available after reasonable investigation. The Commission reserves the right to supplement or correct these answers if additional or corrective information becomes known to the Commission.

**General Objections**

1. The Commission objects to plaintiff's interrogatories to the extent they seek discovery of privileged or otherwise protected information, including attorney-client communications or attorney work product.

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2. The Commission objects to plaintiff's interrogatories to the extent that they seek the disclosure of confidential information, especially any information that if disclosed might compromise the security of future presidential debates and the safety of future presidential candidates, that would reveal confidential proprietary information, or that unduly and unnecessarily invades the privacy of individuals who are not party to this litigation.

### **Objections to Definitions**

#### **Definition No. 1:**

The term "identity" or "identify," when used with respect to persons, is a request for you to supply the full name, address, telephone number, height, weight, hair color, and date of birth of the person to be identified.

**Objection:** The Commission objects to this definition on the ground that it is unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence and beyond the scope of the Uniform Definition in Discovery Requests for "Identify (With Respect to Persons)" set forth in Local Rule 26.5(C)(3). The Commission will limit its responses to the information required by the Local Rule.

#### **Definition No. 2:**

The term "identity" or "identify," when used with respect to documents is a request for you to supply the date of the document, the author, the addressee, if any, the length in pages, the title, and a brief description of the contents of the document.

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**Objection:** The Commission objects to this definition on the ground that it is unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence and beyond the scope of the Uniform Definition in Discovery Requests for "Identify (With Respect to Documents)" set forth in Local Rule 26.5(C)(4). The Commission will limit its responses to the information required by the Local Rule. The Commission also reserves its right to produce any documents identified pursuant to Rule 33(d) of the Federal Rules of Civil Procedure in lieu of the description requested by this definition.

**Definition No. 3:**

The term "campus" refers to the University of Massachusetts, Harbor Point campus in Boston.

**Objection:** The Commission has no objection to Definition No. 3

**Definition No. 4:**

The term "First incident" refers to the entire transaction the first time the plaintiff, Ralph Nader arrived on the campus on October 3, 2000.

**Objection:** . The Commission objects to this term as vague and ambiguous to the extent that Commission does not know when Mr. Nader first arrived on the campus on October 3, 2000. The Commission will interpret the term to refer to the allegations in paragraphs 17-22 of the Amended Complaint.

**Definition No. 5:**

The term "Second incident" refers to the entire transaction the second time the plaintiff, Ralph Nader arrived on the campus on October 3, 2000.

**Objection:** The Commission objects to this term as vague and ambiguous to the extent that the Commission does not know when Mr. Nader's second arrival on the campus on October 3, 2000 occurred. The Commission will interpret the term to refer to the allegations in paragraph 23 of the Amended Complaint.

**Definition No. 6:**

The term "Commission" refers to Commission on Presidential Debates and its officers, employees or agents.

**Objection:** The Commission objects to this definition to the extent it seeks information from "agents" of the Commission on the grounds that it is overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and attempts to seek information that is not within the custody, possession and control of the Commission.

**Definition No. 7:**

Refer to the uniform Definitions in Local Rule 26.5(C) for terms including "concerning" and "state the basis."

**Objection:** The Commission has no objection to Definition No. 7.

**Responses and Objections to Interrogatories**

**Interrogatory No. 1:**

Identify each person who has been consulted or has assisted the Commission in any way in the preparation of these interrogatory answers, including that person's full name, title, address, telephone number and relationship to the Commission.

**Response:** The Commission objects to Interrogatory No. 1 to the extent it seeks information beyond that required by Local Rule 26.5(C)(3) regarding the identity of persons and will limit its response to the information required by the Local Rule. Attorneys for the Commission will represent each of the individuals identified below, and accordingly all communications to these individuals should be directed to the Commission's attorneys. Subject to the foregoing General Objections, Objections to Definitions and specific objections to Interrogatory No. 1, the Commission responds that, other than counsel, the following people assisted in the preparation of these interrogatory responses:

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| <b>Janet H. Brown</b><br>Commission on Presidential Debates<br>1200 New Hampshire Avenue, N.W.<br>Suite 445<br>Washington, D.C.<br>Executive Director of the Commission | <b>Peter Eyre</b><br>Commission on Presidential Debates<br>1200 New Hampshire Avenue, N.W.<br>Suite 445<br>Washington, D.C.<br>Special Assistant to the Executive<br>Director of the Commission |
| <b>Lewis Loss</b><br>Ross, Dixon & Bell L.L.P.<br>2001 K Street, N.W.<br>Washington, D.C.<br>Counsel to the Commission  | <b>Frank J. Fahrenkopf, Jr.</b><br>American Gaming Association<br>555 13 <sup>th</sup> Street, N.W.<br>Washington, D.C.<br>Co-Chairman of the Commission  |
| <b>Paul G. Kirk, Jr.</b><br>Sullivan & Worcester<br>1 Post Office Square<br>Boston, Massachusetts<br>Co-Chairman of the Commission                                      | <b>Joan Komlos</b><br>Nike<br>1 Boserman Drive<br>Beaverton, Oregon<br>Consultant to the Commission   |

**Interrogatory No. 2:**

Identify each person likely to have discoverable information relevant to facts alleged in this case, including the person's name, address and telephone number, and identify the subject of the information likely to be known by the witness. (See Fed. R. Civ. P. 26(a)(1)(A).) This should include, but is not limited to, any police officers, security guards or other law enforcement personnel who were in, or arrived at the area in which Mr. Nader was present. If the Commission does not know a person by name, include as much information as you have to identify the person; for example, female reporter in her mid-thirties from National Public Radio.

**Response:** The Commission objects to Interrogatory No. 2 on the ground that it is vague and ambiguous to the extent it cites Federal Rule of Civil Procedure 26(a)(1)(A), yet appears to seek information beyond that required by Rule 26(a)(1)(A). To the extent the interrogatory seeks the information required by Rule 26(a)(1)(A), the Commission refers plaintiff to the Commission's initial disclosures made on March 23, 2001. The Commission will interpret Interrogatory No. 2 as requesting a broader set of information concerning those likely to have discoverable information. The Commission further objects to Interrogatory No. 2 to the extent it seeks information beyond that required by Local Rule 26.5(C)(3) regarding the identity of persons and will limit its response to the information required by the Local Rule. The Commission also objects to Interrogatory No. 2 as unduly burdensome to the extent that it seeks a physical description of any person with discoverable information whose identity cannot be determined or recalled. The Commission objects to the term "area in which Mr. Nader was present" as vague and ambiguous and overly broad, unduly burdensome and not reasonably calculated



to lead to the discovery of admissible evidence. The Commission will interpret the term to refer to Mr. Nader's presence at the "First incident" or Second incident" and incorporates its objections to those terms. Attorneys for the Commission will represent individuals identified below with an asterisk, and accordingly all communications to these individuals should be directed to the Commission's attorneys. Subject to the foregoing General Objections, Objections to Definitions and specific objections to Interrogatory No. 1, the Commission responds as follows:

| <b><u>Name</u></b>       | <b><u>Present Address</u></b>   | <b><u>Subject</u></b>   |
|--------------------------|---|---|
| <b>Janet Brown*</b>      | Commission on Presidential Debates<br>1200 New Hampshire Avenue,<br>N.W., Suite 445<br>Washington, D.C. | Organization of the debate;<br>admission to the debate and<br>media center; decision<br>regarding Mr. Nader's<br>admission to the debate;<br>distribution of tickets to the<br>debate |
| <b>Paul Kirk*</b>        | Sullivan & Worcester<br>1 Post Office Square<br>Boston, Massachusetts                                   | Decision regarding Mr.<br>Nader's admission to the<br>debate  |
| <b>Frank Fahrenkopf*</b> | American Gaming Association<br>555 13 <sup>th</sup> Street, N.W.<br>Washington, D.C.                    | Decision regarding Mr.<br>Nader's admission to the<br>debate  |
| <b>Lewis Loss*</b>       | Ross, Dixon & Bell L.L.P.<br>2001 K Street, N.W.<br>Washington, D.C.                                    | Decision regarding Mr.<br>Nader's admission to the<br>debate; communication<br>regarding the possibility Mr.<br>Nader might seek admission<br>to the debate                           |
| <b>Tom Keady*</b>        | Northeastern University<br>360 Huntington Avenue<br>Room 304 CP   | Organization of the debate;<br>transportation at the debate;<br>communication regarding the   |

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|                         | Boston, Massachusetts   | possibility Mr. Nader might seek admission to the debate   |
| John Vezeris            | The Annapolis Group, Ltd.   | Public safety and disruption control; coordination with law enforcement agencies; communication regarding the possibility that Mr. Nader might seek admission to the debate; communication with Mr. Nader regarding entry to the debate. |
| Charles McPhail         | Massachusetts State Police  | Communication regarding the possibility Mr. Nader might seek admission to the debate; communication with Mr. Nader regarding entry to the debate.  |
| Bob Petersen            | Senate Press Gallery<br>US Capitol<br>Washington, D.C.              | Media credentials; communication regarding the possibility that Mr. Nader might seek admission to the debate.  |
| Anne-Marie Lewis-Kerwin | University of Massachusetts<br>Boston Campus<br>Chancellor's Office | University's assistance with the debate; campus activities related to the debate; University students attending the debate.  |
| Donna Smerlas           | University of Massachusetts<br>Boston Campus<br>Chancellor's Office | University's assistance with the debate; campus activities related to the debate; University students attending the debate.  |
| Joan Komlos*            | Nike<br>1 Boserman Drive<br>Beaverton, Oregon                       | Media credentials; organization of the debate; communication regarding the possibility Mr. Nader might seek admission to the debate.   |

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| <b>Rory Davies*</b>     | <b>907 Spirit Lake Drive<br/>Bakersfield, California</b>                               | <b>Organization of the debate;<br/>communication regarding the<br/>possibility Mr. Nader might<br/>seek admission to the debate.</b>                    |
| <b>Bev Lindsey*</b>     | <b>3101 New Mexico Ave, N.W.<br/>Washington, D.C.</b>                                  | <b>Organization of the debate;<br/>communication regarding the<br/>possibility Mr. Nader might<br/>seek admission to the debate</b>                     |
| <b>Michael Brewer*</b>  | <b>1200 New Hampshire Ave,<br/>N.W.<br/>Washington, D.C.</b>                           | <b>Communication regarding<br/>the possibility Mr. Nader<br/>might seek admission to the<br/>debate</b>   |
| <b>Nancy Henrietta*</b> | <b>116 Congressional Drive<br/>Stevensville, Maryland</b>                              | <b>Credentialing;<br/>communication regarding the<br/>possibility Mr. Nader might<br/>seek admission to the debate</b>                                  |
| <b>Moirra Kelley*</b>   | <b>Exploration Summer Program<br/>470 Washington Street<br/>Norwood, Massachusetts</b> | <b>Organization of the debate;<br/>communication regarding the<br/>possibility Mr. Nader might<br/>seek admission to the debate</b>                     |
| <b>John Rodriguez</b>   | <b>United States Secret Service</b>  | <b>Safety of the presidential<br/>candidates; demonstrations<br/>and protests at the debate</b>   |
| <b>John O'Hara</b>      | <b>United States Secret Service</b>  | <b>Safety of the presidential<br/>candidates; communication<br/>regarding the possibility that<br/>Mr. Nader might seek<br/>admission to the debate</b> |
| <b>Jean Cantrell*</b>   | <b>Dun &amp; Bradstreet<br/>1200 New Hampshire Ave,<br/>N.W.<br/>Washington, D.C.</b>  | <b>Distribution of tickets to the<br/>debate</b>  |
| <b>Forrest Speck</b>    | <b>University of Massachusetts</b>   | <b>Transportation to/from the<br/>debate</b>  |

|                                |                            |  |
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| 2 Massachusetts State troopers | Massachusetts State Police | Communication with Mr. Nader regarding admission to the debate |
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**Interrogatory No. 3:**

Identify all individuals, including the organizations they represented, who participated or were involved in planning, coordinating, implementing and overseeing security for the presidential debates on the campus on October 3, 2000.

**Response:** The Commission objects to the term "security" as vague and ambiguous and overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Various things were done by various people to make sure that the debate was safe and free from disruption. Thus, for example, the transportation system, the credentialing, the controlled access to the debate, the sequencing of pre-debate activities, the installation and activation of metal detectors and other public safety equipment, and the positioning of Secret Service and public safety officers at the debate in some way contributed to the "security" of the debate. Without waiving and subject to the foregoing General Objections, Objections to Definitions and the specific objection to Interrogatory No. 3, the Commission responds as follows: John Rodriguez and John O'Hara representing the Secret Service; the commanding officer of the UMass campus police; the highest ranking on-site officer of the Boston police; Charles McPhail, two other State troopers, and the highest ranking on-site officer of the Massachusetts State police; John Vezeris, Lewis Loss, Bob Petersen, Joan Komlos, Nancy

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Henrietta, Janet Brown, Paul Kirk, Frank Fahrenkopf, Rory Davies, Bev Lindsey, Michael Brewer, Jean Cantrell and Moira Kelley representing the Commission; and Tom Keady, Donna Smerlas, Anne-Marie Lewis-Kerwin and Forrest Speck representing UMass.

**Interrogatory No. 4:**

Describe in full and complete detail the security plans on campus for the presidential debate on October 3, 2000. Please include plans concerning the event at the Lipke Auditorium as well as the debate at the Clark Athletic Center. This should include plans for handling the press. Please identify all individuals who were involved in the plans and the organizations they represented.

**Response:** The Commission incorporates by reference its objection set forth in the response to Interrogatory No. 3 to the term "security." Without waiver of and subject to the foregoing General Objections, Objections to Definitions and the specific objection to Interrogatory No. 4, the Commission responds as follows:

Access to the debate hall required a valid ticket or a credential. Access to the adjacent media center required a credential. A limited number of credentials were issued to Commission and UMass personnel, campaign personnel, and media representatives. Some credentials allowed access only to the debate hall, others only to the adjacent media center, and others to both.

Transport to the debate hall and the adjacent media center was available by bus or authorized vehicle. People with tickets were informed of designated bus stops off campus at which those holding a ticket to the debate or valid credential could be transported to the debate hall or media center.

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Although the debate hall and the media center were both at the Clark Athletic Center, there were separate entrances for each. At the entrance to the debate hall, access was limited to those who presented tickets or credentials allowing access to the debate hall. Tickets to the debate were distributed the day of the debate to invited guests of the Commission, the University of Massachusetts, and the campaigns of those participating in the presidential debates. The tickets were non-transferable.

Access to the media center was limited to those with a credential authorizing access to the media center. Media organizations applied well in advance of the debate for media credentials and had to specify the individuals by name who were to receive media credentials. The advance lists of those authorized to receive media credentials were required to include anyone who wanted access to the media center, including individuals who were to be interviewed by the media in the media center and the debate hall. The news organizations were responsible for providing those to be interviewed with a media credential. Media credentials for the major television network news organizations were made available approximately forty-eight hours before the debate. Other media organizations picked up their credentials on the day of the debate at a media credential tent outside the entrance to the media center. The media credential tent closed approximately one hour before the debate began.

Ticket holders and credentialed persons proceeded through a metal detector before entering the debate hall or media center. Local law enforcement officers were stationed throughout the debate site to ensure the safety of those present at

the debate and address any disturbances that might disrupt the debate. Secret Service personnel were also present to protect candidates who were participating in the debate.

The Commission was not involved in planning the event at the Lipke Auditorium, and refers you to representatives of UMass for information about that event and any "security plans" for that event.

The CPD refers to the answer to Interrogatory No. 3 for the identity of individuals with knowledge concerning "security" plans for the debate.

**Interrogatory No. 5:**

List all law enforcement or other agencies, whether private or public, involved in the security for the presidential debate on October 3, 2000 and describe the chain of command.

**Response:** The Commission incorporates by reference the objection to the term "security" set forth in response to Interrogatory No. 3. The Commission also objects to the terms "agencies" and "chain of command" on the ground that they are vague and ambiguous. Without waiver of and subject to the General Objections, the Objections to Definitions and the specific objections to Interrogatory No. 5, the Commission responds as follows: The United States Secret Service, of which John Rodriguez was the on-site commanding officer; the Massachusetts State Police; the University of Massachusetts, including the campus police; the City of Boston police department; the Annapolis Group Ltd., of which John Vezeris was Managing

Director; and the Commission, of which Janet Brown was Executive Director and Paul Kirk and Frank Fahrenkopf were co-Chairmen.

**Interrogatory No. 6:**

Identify all individuals who participated or were involved in planning and distributing of tickets to the televised event at the Lipke Auditorium on the campus.

**Response:** Without waiver of and subject to the foregoing General Objections and Objections to Definitions, the Commission responds that it was not responsible for the event at the Lipke Auditorium, does not know the answer to this request and refers you to representatives of UMass as the likely source for an answer.

**Interrogatory No. 7:**

Describe in full and complete detail the ticketing procedure for the presidential debate in the Clarke Athletic Center on October 3, 2000 and the procedure for authorizing press organizations to have access to the campus for their staff, including commentators. This answer should include, but is not limited to, identifying the groups or organizations that were given authority to distribute tickets to the event at Clarke, identifying the individuals who were given tickets to the debate at Clark, and identifying the individuals who were permitted access to the campus to provide comment on the debate for the media from the "spin alley" or from any other location on the campus at the time of the debate.

**Response:** The Commission objects to this interrogatory on the grounds that it is unduly burdensome, overly broad and not reasonably calculated to lead to the discovery of admissible evidence to the extent that it seeks the identity of



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individuals who attended the debate or were allowed access to the media center. Without waiver of and subject to the foregoing General Objections, Objections to Definitions, and the specific objections to Interrogatory No. 7, the Commission responds as follows. The Commission responds in part by incorporating the relevant parts of its response Interrogatory No. 4 above. A final determination of the number of seats available for the debate was made the day before the debate. Seats were allocated to different entities for distribution to their invited guests. These entities included the Commission, the University of Massachusetts, and the campaigns of the two candidates participating in the debate. Those organizations that the Commission provided with tickets to the debate hall included the following: AARP; Anheuser-Busch; The Ford Foundation; The Marjorie Kovler Fund; PeopleSoft; USAirways; Merkley, Newman, Harty; Kids Voting USA; National Council of La Raza; Rock the Vote; YWCA; AT&T; Alteon Websystems; Harris Interactive; Speeche Communications; 3Com; Tellme Networks, Inc.; and ZoneofTrust. In addition, the Commission provided a small number of tickets to individuals such as office volunteers, maintenance staff, and other friends of the Commission. To the extent that any lists of ticket holders or of individuals who were authorized to have access to the media center at the request of FOX News are in the possession, custody or control of the Commission, they will be produced pursuant to Rule 33(d) of the Federal Rules of Civil Procedure. The Commission was not responsible for and does not have any information concerning access to the

media on parts of the UMass campus other than in the vicinity of the debate hall and media center.

**Interrogatory No. 8:**

If John Vezeris was instructed by an agent or employee of the Commission to advise Mr. Nader that even if he had a ticket, he was not an invited guest in possession of the ticket to the debate on October 3, 2000: (a) identify the person(s) who gave Mr. Vezeris the instruction; (b) identify the person(s) who made the decision; (c) state the basis for the decision(s).

**Response:** Subject to and without waiver of the foregoing General Objections and Objections to Definitions, the Commission responds as follows:

- a. Lewis Loss communicated to Mr. Vezeris the Commission's position that Mr. Nader was not to be admitted to the debate.
- b. Paul Kirk and Frank Fahrenkopf.
- c. It was believed that Mr. Nader would pose an unacceptable risk of disruption if permitted to attend the debate. Mr. Nader had threatened to disrupt the debate in a televised interview, the transcript of which will be produced pursuant to Rule 33(d). At a rally at the Fleet Center in Boston, Mr. Nader also reportedly stated his intent to be present at the debate and encouraged his supporters to protest at the debate site. A large protest by what were understood to be Nader supporters in fact occurred outside the UMass campus on Morrissey Boulevard on October 3, 2000. Mr. Nader's remarks also followed recent protests by supporters of Mr. Nader outside the Commission offices in Washington, D.C. on a regular basis, and their efforts to occupy the offices of the Commission on

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September 20 and to block access to the Commission offices on September 28. His remarks also came after thousands of written and electronic communications had arrived at the Commission offices from Nader supporters demanding his presence at the debate, sometimes in alarming and unsettling terms. Given Mr. Nader's remarks and the series of recent events, the Commission believed that Mr. Nader's admission to the debate posed an unacceptable risk of disruption that could undermine the debate. The purpose of presidential debates is voter education. The debate was held primarily for a worldwide television audience, not for those in the live audience. Any disruption, such as any attempts by Mr. Nader to follow through on his threat to crawl on the stage or make loud remarks intended to draw attention to himself, would distract attention from the debate between the two presidential candidates invited to debate. The Commission had a responsibility to keep the event free from disruption. In addition, the Commission did not believe that Mr. Nader had a valid ticket to the debate or a properly issued credential to enter the media center.

**Interrogatory No. 9:**

If the Commission had a plan instructing its agents and employees on what to do if Mr. Ralph Nader appeared on the campus on October 3, 2000, describe the plan in complete detail to include identifying the participants in preparing the plan and those to whom the plan was disseminated.

**Response:** Subject to and without waiver of the foregoing General Objections and Objections to Definitions, the Commission responds as follows: The

Commission had no written plan concerning Mr. Nader or other persons not possessing valid tickets or credentials. Lewis Loss and John Vezeris advised various individuals that the Commission had determined that because of the unacceptable risk of disruption posed, Mr. Nader should not be admitted to the debate hall and that Mr. Vezeris should be notified if Mr. Nader was seen in the vicinity of the debate hall or media center or attempted to enter the debate hall or media center. The Commission is not certain which individuals were given this instruction, but they may have included Rory Davies, Michael Brewer, Nancy Henrietta and possibly others.

**Interrogatory No. 10:**

When did the Commission decide that Mr. Nader would not be permitted to be on the campus on October 3, 2000 to provide live commentary for FOX News or any other news organization? State the date and the basis for the decision.

**Response:** Subject to and without waiver of the foregoing General Objections and Objections to Definitions, the Commission responds as follows: The Commission never determined that Mr. Nader was not to be admitted to the UMass campus or that he could not provide commentary to Fox News or any other news organization. On October 3, 2000, the Commission determined that Mr. Nader was not on the list of those authorized to receive media credentials. Nor did any news organization approach the Commission to request additional credentials for Mr. Nader. Therefore, the Commission decided that Mr. Nader was not to be admitted to the media center during the period that it was a secure area.

**Interrogatory No. 11:**

State the basis for any claim or fear that Mr. Nader would have been disruptive on campus at the presidential debate on October 3, 2000 and describe how it was believed he would be disruptive.

**Response:** Subject to and without waiver of the foregoing General Objections and Objections to Definitions, the Commission responds as follows: The Commission was not concerned with Mr. Nader's behavior on the UMass campus generally, but only in the vicinity of the Clark Athletic Center. As to the basis for this concern, the Commission incorporates the relevant portions of its response to Interrogatory No. 8(c). It was believed that Mr. Nader might follow through on threats that he made and could be disruptive by physical attempts to advance to the stage, loud remarks intended to draw attention to himself and away from the debaters, or other disturbances resulting from his activity or presence.

**Interrogatory No. 12:**

For any oral or written report, correspondence, written statement, or memorandum the Commission made or received concerning the First or Second incidents, please state: (a) the date, time, and place of such report; (b) the name and title of each person to whom you made such report; (c) the nature and substance of each report; and (d) the name and address of the custodian of each report.

**Response:** Subject to and without waiver of the foregoing General Objections and Objections to Definitions, the Commission responds as follows: The Commission is aware of the following written correspondence responsive to this interrogatory: (1) an October 5, 2000 letter to Frank Fahrenkopf and Paul Kirk

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from Ralph Nader, and (2) an October 10, 2000 letter from Lewis Loss to Ralph Nader. Copies of these pieces of correspondence will be produced, and pursuant to Rule 33(d), you are referred to them for their nature and substance. As to oral reports, on the evening of October 3, 2000, after the conclusion of the debate, Paul Kirk spoke to a reporter for National Public Radio who reached him by telephone at his hotel. Mr. Kirk told the reporter something to the effect that he believed that Mr. Nader had come to the debate for the purpose of disrupting the debate and that the Commission had a responsibility to make sure the debate was not disrupted. It is also possible that other statements responsive to this interrogatory were made to members of the press by Commission staff or representatives in the course of interviews about the debates, but the Commission cannot currently confirm that any such statements were made. The Commission reserves its right to supplement this interrogatory response in the event it obtains additional responsive information.

**Interrogatory No. 13:**

For each expert witness the Commission intends to call at trial, (a) state his or her name, address, and telephone number; (b) state the substance of that witness' expected testimony; (c) state the information considered by the witness in forming his or her opinion; (d) describe any exhibits that will be used to summarize or support the witness' opinions; (e) state the qualifications of the expert witness, including a list of all publications authored by him or her within the past ten years; (f) state the compensation to be paid for the study and testimony of the expert; (g) list the cases in which the witness has testified as an expert at trial or by deposition within the past four years, including the complete case caption,

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docket number, subject of the testimony, and the name,  
address, and telephone number of counsel for each party.  
(See Fed.R.Civ.P. 26(a)(2)(A) and(B).)

**Response:** The Commission incorporates the foregoing General Objections and Objections to Definitions. The Commission further objects to the extent that plaintiff seeks to impose requirements on the Commission beyond those set forth in Rule 26 of the Federal Rules of Civil Procedure, on the ground that such additional requirements would be unduly burdensome, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence. The Commission also objects to this interrogatory on the ground that the Joint Case Management Proposal and Order in this case does not require identification of experts and the service of expert reports by the Commission until October 15, 2001. The Commission will provide the requested information, to the extent not objected to, on or before October 15, 2001.

**Interrogatory No. 14:**

If any agent or employee of the Commission used e-mail (electronic mail) to communicate with anyone about security at the presidential debate on October 3, 2000, the First or Second incidents or Mr. Nader from June 1, 2000 through the present, please describe: (a) each e-mail system used, including the computer hardware and software and its locations; (b) the computer network, intranet, extranet and/or internet for each e-mail system; (c) the back-up operations including the retrieval and storage of data sets for each e-mail system; and (d) all policies and procedures concerning the back-up operations including the retrieval and storage of data sets for each e-mail system.

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**Response:** The Commission incorporates by reference its objection to the term "security" set forth in its response to Interrogatory No. 3. The Commission further objects to this interrogatory to the extent it requests discovery concerning all communications about Mr. Nader generally on the ground that such request is unduly burdensome, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence. The interrogatory is also objectionable on the same grounds because it seeks discovery about Mr. Nader generally for such a broad time period. The Commission also objects to subparts (a) through (d) of the interrogatory on the grounds that they are unduly burdensome, overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiver of the foregoing General Objections, Objections to Definitions, and the specific objections to this interrogatory, the Commission responds that its computer system is comprised of multiple Compaq workstations and a server that provides the ability to share files and printers. The Commission uses Microsoft Outlook as its e-mail software. A professional information technology company is responsible for maintenance of the systems and its back-up. The IT company uses a Hewlett-Packard cartridge system to create back-up tapes, which are rotated on a daily basis.

**Interrogatory No. 15:**

If the Commission may be insured for acts concerning the First or Second incidents, state the amount of coverage, the named insured, the insurer, the policy number, and the type of policy for each insurance policy, including any excess or umbrella policies, which may be available to



satisfy part or all of any judgment which may be entered against the Commission in this action.

**Response:** Subject to and without waiver of the foregoing General Objections and Objections to Definitions, the Commission responds as follows. Pursuant to Federal Rule of Civil Procedure 33(d), the CPD refers plaintiff to the insurance policies contained in its production of documents.

**Interrogatory No. 16:**

Were any supporters of the Green Party and its candidate for president or of any political party other than the Democratic and Republican parties provided tickets to the debate in the Clarke Athletic Center or given access to the campus to provide commentary for the electronic media? If the answer is yes, please identify each person.

**Response:** The Commission objects to this interrogatory to the extent it implies that the Commission was responsible for access to the campus. The Commission's responsibilities related to the debate hall and adjacent media center. Subject to and without waiver of the foregoing General Objections, Objections to Definitions and specific objections to Interrogatory No. 16, the Commission responds that it does not know the answer to this interrogatory.

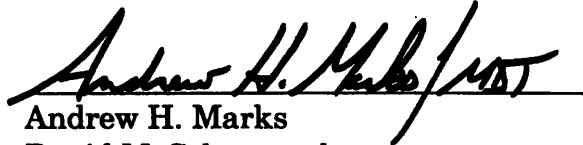
**Interrogatory No. 17:**

Please describe in full and complete detail the Commission's policy and procedures regarding retention or destruction of documents.

**Response:** Subject to and without waiver of the foregoing General Objections and Objections to Definitions, the Commission responds that it has no formal policy and procedures regarding the retention or destruction of documents.

Commission staff were told not to destroy any documents regarding the October 3, 2000 debate, shortly after the Commission was served with plaintiff's complaint.

Respectfully submitted,



Andrew H. Marks  
David M. Schnorrenberg  
CROWELL & MORING LLP  
1001 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004-2595  
(202) 624-2500

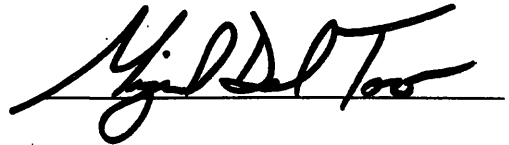
John S. Stadler (BBO# 548485)  
A. Damien Puller (BBO# 633746)  
NIXON PEABODY LLP  
101 Federal Street  
Boston, MA 02210  
(617) 345-1000

Counsel for Defendant Commission on  
Presidential Debates

May 17, 2001

**CERTIFICATE OF SERVICE**

I hereby certify that I caused a copy of the Responses and Objections to Plaintiff's First Set of Interrogatories to Defendant Commission on Presidential Debates to be served by facsimile and first-class mail this 17<sup>th</sup> day of May, 2001, on all counsel of record.


A handwritten signature in black ink, appearing to read "Michael D. T...", is written over a horizontal line.

1809678

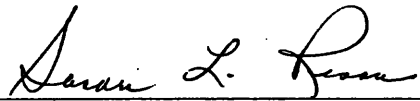
24.04.407.3745

**VERIFICATION**

I, Janet H. Brown, on behalf of Commission on Presidential Debates, state that the above Defendant's Objections and Responses To Plaintiff's First Set of Interrogatories to Defendant Commission on Presidential Debates are true and correct to the best of my knowledge, information, and belief.

  
Janet H. Brown

SUBSCRIBED AND SWORN TO before me this 17<sup>th</sup> day of May, 2001.

  
NOTARY PUBLIC

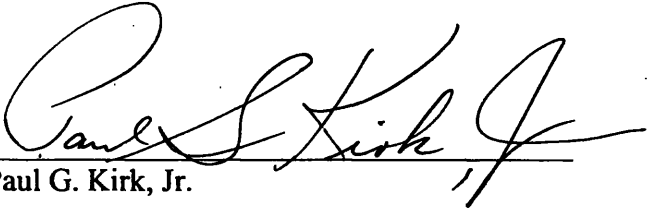
My Commission Expires:

\_\_\_\_\_  
**SANDRA L. RESAU**  
A Notary Public of District of Columbia  
My Commission Expires May 31, 2004

24.04.407.3746

VERIFICATION

I, Paul G. Kirk, Jr., state that the above Defendant's Objections and Responses To Plaintiff's First Set of Interrogatories to Defendant Paul G. Kirk, Jr. are true and correct to the best of my knowledge, information, and belief.

  
Paul G. Kirk, Jr.

SUBSCRIBED AND SWORN TO before me this 24 day of May, 2001.

  
NOTARY PUBLIC


My Commission Expires:

Dec 14, 2001

24.04.407.3747

VERIFICATION

I, Frank J. Fahrenkopf, Jr., state that the above Defendant's Objections and Responses To Plaintiff's First Set of Interrogatories to Defendant Frank J. Fahrenkopf, Jr. are true and correct to the best of my knowledge, information, and belief.

  
Frank J. Fahrenkopf, Jr.

SUBSCRIBED AND SWORN TO before me this 30<sup>th</sup> day of May, 2001.

  
NOTARY PUBLIC

My Commission Expires:

January 1, 2004

24-04-407-3748

TAB N

24-04-407-3749

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

RALPH NADER,

Plaintiff,

v.

COMMISSION ON PRESIDENTIAL

DEBATES, PAUL G. KIRK, JR.,

FRANK J. FAHRENKOPF, JR.,

JOHN VEZERIS, and

SERGEANT CHARLES MCPHAIL,

in his individual capacity,

Defendants.

X

:

:

:

:

:

:

:

:

:

:

X

**Certified Copy**

Case No.

00-12145-WGY

Washington, D.C.

Thursday, October 25, 2001

Deposition of LEWIS K. LOSS, a witness

herein, called for examination by counsel for

Plaintiff in the above-entitled matter, pursuant to

notice, the witness being duly sworn by PENNY M.

DEAN, a Notary Public in and for the District of

Columbia, taken at the offices of Crowell & Moring,

1001 Pennsylvania Avenue, N.W., Washington, D.C., at

1:25 p.m., Thursday, October 25, 2001, and the

proceedings being taken down by Stenotype by PENNY M.

24-04-407-3750



1 DEAN, RPR, and transcribed under her direction.

2  
3 APPEARANCES:

4  
5 On behalf of the Plaintiff:

6 HOWARD FRIEDMAN, ESQ.

7 Law Offices of Howard Friedman

8 90 Canal Street, 5th Floor

9 Boston, Massachusetts 02114-2022

10 (617) 742-4100

11  
12 On behalf of the Defendant John Vezeris:

13 SCOTT DOUGLAS BURKE, ESQ.

14 (Via telephone)

15 Morrison, Mahoney & Miller, LLP

16 250 Summer Street

17 Boston, Massachusetts 02210

18 (617) 439-7500

24-04-407-3751

## 1 APPEARANCES (Continued):

2  
3 On behalf of the Defendants Commission  
4 on Presidential Debates, Paul G. Kirk, Jr.,  
5 Frank J. Fahrenkopf, Jr.:

6 ANDREW MARKS, ESQ.

7 MIGUEL H. DEL TORO, ESQ.

8 Crowell & Moring

9 1001 Pennsylvania Avenue, N.W.

10 Washington, D. C. 20004-2595

11 (202) 624-2920

12 (202) 624-2819

## C O N T E N T S

WITNESS EXAMINATION BY COUNSEL FOR  
LEWIS LOSS PLAINTIFF  
By Mr. Friedman 6

## E X H I B I T S

| LOSS EXHIBIT NO.       | PAGE NO. |
|------------------------|----------|
| 1 Agreement            | 14       |
| 2 Proposal             | 19       |
| 3 Media pass           | 23       |
| 4 Ticket               | 30       |
| 5 Photographs          | 57       |
| 6 Map                  | 73       |
| 7 Reception invitation | 90       |

24-04-407-3754

DUE TO THEIR BULK, PAGES 5 THROUGH 102 OF THE DEPOSITION OF  
LEWIS K. LOSS, IN CASE NO. 00-12145-WGY (U.S. DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS), THE ERRATA SHEET, AND THE  
CERTIFICATE OF REPORTER, ATTACHED TO THIS RESPONSE, HAVE BEEN  
REMOVED FROM THE FILE.